

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: Norte Vista Estates

Case Number: PLD2003-00033; ARC2003-00034 & SEP2003-00069

Parcel Number: Tax Lot 92 (Parcel Number 181984-000) located in the SE ¼ of Section 14, Township 3 North, Range 1 East of Willamette Meridian

Request: Subdivide approximately 6.25-acres into 21 lots in the R1-10 zoning district.

Applicant: Sunrise Home Builders LLC
3100 SE 168th Avenue #26
Vancouver, WA 98683
(360) 936-3743

Property Owner: Carroll Luna
16320 NE 27th Avenue
Ridgefield, WA 98606
(360) 571-0956

Contact: Sturtevant, Golemo & Associates
2211 Main Street
Vancouver, WA 98660
(360) 993-0911; (360) 993-0912 FAX

Location: 16320 NE 27th Avenue

Area: 6.25-acres

RECOMMENDATION

Approve subject to Conditions of Approval

Team Leader's Initials: _____ Date Issued: November 5, 2003

Public Hearing Date: November 20, 2003

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Mitch Kneipp	4178	mitch.kneipp@clark.wa.gov
Engineer (Trans. & Stormwater):	Paul Knox	4910	paul.knox@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	shelley.oylear@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	richard.drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov

Comp Plan Designation: UL (Urban Low)

Zoning: R1-10 (Single-Family Residential)

Applicable Laws:

Clark County Code Sections: 12.05A (Transportation); 12.41 (Concurrency); 13.29 (Stormwater and Erosion Control Ordinance); 15.12 (Fire); 17.105 (Lot Determination); 17.301 (Subdivision); 18.65 (Impact Fees); 18.307 (Single-Family Residential); 18.600 (Procedures); 20.06 (SEPA) and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

Fairgrounds Neighborhood Association
Bridget Schwarz, President
2110 179 Street
Ridgefield, WA 98642
(360) 573-5873
E-mail: bridget@bridge-i-t.com

Time Limits:

The application was determined to be fully complete on September 17, 2003 (See Exhibit 10). Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 18, 2003. The State requirement for issuing a decision within 120 calendar days, lapses on January 15, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 6, 2003. The pre-application was determined contingently vested as of February 12, 2003.

The fully complete application was submitted on June 19, 2003 and determined to be fully complete on September 17, 2003. Given these facts the application is vested on February 12, 2003.

There are no disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant, Fairgrounds Neighborhood Association and property owners within 300 feet of the site on October 1, 2003. One sign was posted on the subject property and two within the vicinity on November 5, 2003. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on November 5, 2003.

Public Comments:

None

Project Overview

The subject site is located just west of NE 27th Avenue at NE 163rd Street. There is an existing single-family residence, a mobile home and several other buildings on the site all of which will be removed. The applicants are seeking subdivision approval to create 21 lots in the R1-10 zoning district.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-10	Single-family residence
North	UL	R1-10	Whipple Creek Phase 1 Subdivision
East	UL	R1-10	Cornerstone View Estates Subdivision
South	UL	R1-10	4-acre vacant parcel
West	UL	R1-10	Older subdivision known as Donald Acres

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Existing Structures

All of the existing structures on the site shall be removed prior to final plat (See Condition A-1).

Finding 2 – Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (See Plat Note D-2).

Finding 3 – State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed land division will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residences to public sewer and water, as well as treatment of any future increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

CRITICAL AREAS:

Finding 1 – Archeological

An Archeological Predetermination (ARC2003-00034) was submitted and reviewed by county staff. It was determined that no further survey work was needed. No condition of approval is warranted.

TRANSPORTATION CONCURRENCY:

The applicant's traffic study has estimated the weekday AM peak hour trip generation at 16 new trips, while the PM peak hour trip generation is estimated at 21 trips. The following paragraphs document two transportation issues for the proposed development.

Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 12.41.050(A) and is required to meet the standards established in CCC 12.41.080 for corridors and intersections of regional significance. The County's Traffix™ model

includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Finding 1 – Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network. The access to NE 29th Avenue appears to maintain acceptable LOS.

Finding 2 – Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model (See Condition A-2).

Finding 3 – Intersection Operating LOS

The proposed development was subject to concurrency analysis for intersections of regional significance. The study reports acceptable operating levels for the following County intersections.

- NE 163rd Street/29th Avenue
- NE 20th Avenue/NE 155th Street

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 12.41 subject to the mitigation situation described above.

Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 12.05.230. This ordinance states that “nothing in this chapter shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Chapter 12.41 CCC or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 4 – Turn Lane Warrants

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of

the un-signalized County intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Finding 6 – Historical Accident Situation

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accidents per million entering vehicles. Therefore, mitigation by the applicant is not required.

Recommendation: Approval

TRANSPORTATION:

Finding 1 – Circulation Plan

The applicant proposes to extend NE 163rd Street from its intersection with NE 27th Avenue westerly into the site approximately 500-feet and then turn to the south through a 75-foot radius curve, where the street becomes NE 25th Avenue. NE 25th Avenue is proposed to extend to the southern boundary of the property at a position which aligns with the extension of NE 25th Avenue located approximately 275 feet to the south. A temporary turnaround meeting the requirements of CCC 12.05A.280 is proposed at the southern terminus of NE 25th Avenue.

Staff understands that the property to the south may be planned for a future neighborhood park, which may not require or desire a roadway connection. However, the Parks Department is subject to the same circulation standards as would apply to any other party proposing to develop this property.

The existing road system and the proposed extensions will provide adequate cross-circulation for serving the proposed subdivision and will allow future developments to meet the cross-circulation standards. Therefore, the project complies with the circulation plan requirements of CCC 12.05A.110.

Finding 2 – Onsite Roads

The applicant proposes onsite roadways NE 163rd Street and NE 25th Avenue in accordance with the county classification as local residential access roads. The minimum improvements for these roadways, in accordance with CCC 12.05A Standard Drawing #14, include:

- A minimum right-of-way width of 46-feet
- A minimum roadway width of 28-feet
- Curb and gutter
- Minimum sidewalk width of 5-feet (See Condition A-3).

The applicant proposes a cul-de-sac, NE 26th Court, in accordance with the county classification as an urban short cul-de-sac. The minimum improvements for this roadway, in accordance with CCC 12.05A Standard Drawings #16 and #29, include:

- A minimum right-of-way width of 42-feet
- A minimum roadway width of 24-feet
- Curb and gutter
- Minimum sidewalk width of 5-feet

Additional requirements for urban short cul-de-sacs include a maximum length of 150-feet, a bulb having a minimum 30-foot radius at the face of curb, rolled curb and gutter and an attached thickened 5-foot wide sidewalk. Because the thickened sidewalk is essential to the site's accessibility to fire protection equipment, this sidewalk shall be constructed with the street improvements and accepted prior to Final Plat approval (See Condition A-4).

The preliminary plat submitted with the application shows structural sections for the proposed streets. In accordance with the requirements of standard drawings of 12.05A, the thicknesses of asphalt and base rock shown on the street sections depend upon the classification of the sub-grade soils. The applicant shall collect representative soil samples and have them classified in accordance with the procedures of the AASHTO M-145 testing specification. Results of these test results shall be provided to county engineering staff during the review of the project construction plans, and the minimum thicknesses of asphalt and base rock shall comply with the minimum thicknesses required for the tested soil classifications (See Condition A-5).

Finding 3 – Abutting Roads

Previously constructed improvements on NE 27th Avenue have resulted in a full-width street located immediately north of the site's northern boundary, and a partial-width street abutting the project's eastern boundary and continuing to the south beyond the project's southern boundary. The full-width improvements to the north of the site total 32-feet from curb. Partial-width street improvements were installed on the east side of NE 27th Avenue with the Cornerstone View Estates subdivision in 1992 which resulted in a 25-foot half width right-of-way, and a partial width street of 15-feet. This would require a minimum additional width of right of way of 21-feet to provide a total right-of-way of 46 feet and a minimum additional width of pavement of 13-feet to provide a total street width of 28-feet, thus providing a full street meeting the dimensional requirements for the county classification as a local residential access road. The proposed frontage improvements shall be tapered as required to form acceptable transition to the existing 32-foot wide street to the north of the project site, and additional right-of-way may be required for this transition (See Condition A-6).

Finding 4 – Access

The parcel located immediately south of the proposed development extends to the centerline of NE 27th Avenue, preventing the construction of a transition taper at the southern boundary of the site. Current county transportation code requires that partial-width streets have a minimum width of 20-feet. Therefore, the proposed development shall not access NE 27th Avenue to the south of the site. A barricade will be required at the end of the southerly frontage improvements (See Condition A-7).

All driveways shall comply with the Transportation Standards and the requirements of the Fire Marshal. The Fire Marshal's requirements shall take precedence when they are more stringent than the Transportation Standards.

The applicant shall show the locations of driveways serving all corner residential lots on the construction plans (See Condition A-22).

Finding 5 – Sight Distance

The approval criteria for sight distances are found in CCC 12.05A.250. This section establishes minimum sight distances at intersections and driveways (See Condition A-8).

Finding 6 – Pedestrian/Bicycle Circulation

All sidewalks, driveway aprons, trails and road intersections shall comply with the Americans with Disabilities Act.

Finding 7– Road Modifications

There are no road modifications associated with this proposal.

Conclusions

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to Conditions A-3 to A-8, meets the requirements of the county transportation ordinance.

STORMWATER:

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance, CCC 13.29, adopted July 28, 2000, applies to development activities that results in 2,000 square feet or more of new impervious surfaces created within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 13.29.210.

The project will create more than 2,000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in section 13.29.210. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 13.29.

Finding 2 – Stormwater Proposal

The project proposes to collect the runoff from the buildings; new pavement and sidewalks in curb inlets, and convey these flows into a storm system located in the public and private streets. Runoff will be treated in a bio-filtration swale located at the site's northeast corner. The soils underlying the site are not well suited to infiltration, so the stormwater will be detained in a detention pond located near the water quality treatment swale and discharged at a rate not exceeding predevelopment peak flows into an existing 12-inch storm sewer pipe in NE 27th Avenue.

Finding 3 – Site Conditions and Stormwater Issues:

The preliminary stormwater calculations do not include flows from offsite areas which run over the site and are collected in the existing storm sewer in NE 27th Avenue. In addition, flows have been included in the preliminary calculations which

are not presently draining to the existing storm sewer, which has the effect of overestimating the allowable release rate from the site. Finally, the preliminary stormwater calculations show a tributary area for the post-developed condition which is 0.90-acres less than the tributary area for the pre-developed condition. No basin maps or other evidence was supplied with the preliminary calculations to support this contention.

In accordance with the requirements of CCC 13.29.310(D), the final construction plans and stormwater report shall quantify the flows entering site from offsite areas, and demonstrate that they are adequately collected and conveyed through the site and detention facility (See Condition A-9).

In the preliminary design calculations, rainfall data for 2-year, 10-year and 100-year storm events during a 24-hour period are estimated at 1.9 inches, 2.8 inches and 3.8 inches, respectively. In accordance with the isopluvial maps for design storms in Clark County, the minimum rates shall be no less than 2, 3, and 4 inches (See Condition A-10).

In accordance with CCC 13.29.310(B)(2)(a), the pre-development land use shall be established as the use over the last thirty years which results in the least runoff. Review of the historical aerial photograph for this site taken in 1974 shows that the majority of the site was forested (See Exhibit 16). The final stormwater report shall be revised to reflect the forested condition of the majority of the site within the last thirty years (See Condition A-11).

In accordance with Section CCC 13.29.310(A)(8), all lots in the urban area must be designed to provide positive drainage from the bottom of footings to an approved stormwater system. The final construction plans and stormwater report shall clearly describe the measures that are proposed to prevent runoff onto adjacent properties (See Condition A-12).

In accordance with Section CCC 13.29.310(C)(4), detention facilities shall be sized to detain the post-development stormwater runoff from the development and only release runoff at a peak release rate equal to one-half of the pre-developed 2-year storm peak runoff rate; and not exceeding 10-year and 100-year pre-developed runoff rates. The applicant shall carefully evaluate the accommodation of offsite drainage that contributes to the project site, as it could adversely impact the size, configuration, or appurtenances associated with the detention facility. The stormwater detention facility illustrated on the preliminary plans does not appear to be large enough to store the required detention volumes for the site. However, it appears that the proposed detention facilities are conceptually feasible. If stormwater facilities larger than those illustrated on the preliminary plans are required, the site appears to have sufficient area to accommodate the larger facilities. Allocation of more land for the stormwater facilities could potentially result in the loss of lots (See Condition A-13).

The final stormwater report shall include a downstream analysis in accordance with the provisions of CCC 13.29.305(B), and CCC 13.29.310(D), and shall demonstrate

that the quantity of flow being discharged to this system after development will not exceed pre-development flows (See Condition A-14).

Conclusion

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to Conditions A-9 to A-14, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

EARTHWORK:

Finding 1

Observation of the site and existing developments in the immediate vicinity of the site show evidence of substantial subsurface flow of groundwater. A total of six weep holes have been installed in a short length of curb between 2705 and 2709 NE 163rd Street. The flow of water out of these weep holes has been sufficiently continuous to establish a growth of algae in the street at this location. Almost all of the yards in this area appear to be very wet approximately three days after the most recent period of rain. NE 27th Avenue, which abuts the project to the east, has five asphalt patches in a 500-foot length of road that is 12 years old. "Alligator " cracks and rutting in the pavement, numerous breaks in the curb, and several areas of broken and sunken sidewalk adjacent to the project frontage all indicate that there has been a general loss of sub-grade support in this vicinity. The migration of fine soil materials from the road base, due to flowing groundwater, is the most likely explanation for this loss of sub-grade support.

The soil profile in this area consists of a layer of top soil underlain by a hard layer of silty material which limits the vertical migration of groundwater, causing it to migrate laterally. Unless this hard layer of silty material is removed during construction, it will continue to inhibit the downward flow of subsurface water and form a preferential flow path for the lateral migration of groundwater. Uncontrolled groundwater flow can potentially result in a failure of slope stability and the flooding of house crawlspaces.

The applicant shall install a system of sub-surface drainage lines, or provide other design measures, in accordance with the recommendations of a geo-technical engineer licensed in the State of Washington to control and direct the flow of sub-surface water through the site (See Condition A-15).

Recommendation: Approval

FIRE PROTECTION:

Finding 1

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Condition B-1).

Finding 2

Fire flow in the amount of 1000 gallons per minute supplied for 60 minutes duration is required for this application. A Utility Review from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (See Condition A-16).

Finding 3

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (See Condition A-17).

Finding 4

Unless waived by the fire district chief, the applicant shall install fire hydrants with the appropriate 'storz' adapters for the pumper connection (See Condition A-18).

Finding 5

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, the applicant shall contact Fire District 6 at 360-576-1195 to arrange for location approval (See Condition A-19).

Finding 6

The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (See Condition A-20).

Finding 7

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (See Condition A-21).

Finding 8

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus meet the requirements of the Clark County Road Standards. No condition of approval is warranted.

WATER & SEWER SERVICE:

Finding 1

The site will be served by Clark Public Utilities and the Hazel Dell Sewer District. Letters (See Exhibit 7, Tab J) from the above districts confirm that services are available to the site (See Conditions C1 and C2).

Finding 2

Submittal of a "Health Department Evaluation Letter" and acceptable "Health Department Well/Septic Abandonment Letter" are required as part of the Final Construction Plan Review application. The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the

site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Department Well/Septic Abandonment Letter will confirm that all existing wells and septic systems have been abandoned, inspected and approved by the Health Department (See Condition E-4).

Finding 3

The existing wells and septic systems are proposed to be abandoned. Submittal of an acceptable "Health Department Well/Septic Abandonment Letter" is required as part of the Final Construction Plan Review application (See Condition E-4).

IMPACT FEES:

Finding 1

According to dated aerial photographs the existing stick frame residence was established some time prior to 1968, which pre-dates building permit requirements. However, again based on dated aerial photographs, the existing mobile home was placed some time after 1984. Permits have been required since 1973 for the placement of mobile homes and none were found for this site. Therefore, with the exception of one lot identified on the face of the plat, Park (PIF), Traffic (TIF), and School (SIF) Impact Fees apply to this development. The site is within Park Facility Plan District No. 10 which has a total PIF of \$1,534.00 per lot, the Mt. Vista District which has a TIF of \$2,391.54 per lot, and the Ridgefield School District which has a SIF of \$3,701 per lot (See Condition B-2).

If a building permit application is received more than three years following the preliminary plat approval, the Impact Fees will be recalculated according to the then current ordinance. This should be noted on the face of the final plat (See Condition D-3).

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period

Publication date of this DNS is November 5, 2003, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on November 19, 2003.

<p><u>Public Comment Deadline:</u> November 19, 2003</p>
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SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$175**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Mitchell Kneipp, Planner II, (360) 397-2375, ext 4178
Susan Ellinger, Team Leader, (360) 397-2375, ext 4272

Responsible Official: Michael V. Butts
Department of Community Development
1408 Franklin Street

P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 6), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding, such conditions shall be met prior to issuance of Building Permits;

A-1 Remove all of the existing structures on the site (See Land Use Finding 1).

A-2 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works (See Transportation Concurrency Finding 2).

- A-3** The onsite roadways, NE 163rd Street and NE 25th Avenue, shall be constructed to the minimum standards of a local residential access road in accordance with CCC 12.05A Standard Drawing #14 (See Transportation Finding 2).
- A-4** NE 26th Court shall be constructed to the minimum standards of an urban short cul-de-sac in accordance with CCC 12.05A Standard Drawing #14. The thickened sidewalk on the frontage of the cul-de-sac on NE 26th Court shall be constructed prior to final plat approval (See Transportation Finding 2).
- A-5** Representative soil samples shall be collected and classified in accordance with the procedures of the AASHTO M-145 testing specification. Results of these test results shall be provided to county engineering staff during the review of the project construction plans, and the minimum thicknesses of asphalt and base rock shall comply with the minimum thicknesses required for the tested soil classifications (See Transportation Finding 2).
- A-6** Frontage improvements shall be installed on NE 27th Avenue as required to provide a full-width street in accordance with the minimum requirements a local residential access road, per CCC 12.05A, Standard Drawing #14. Roadway tapers shall be constructed at a rate to be determined by final construction plans to form an adequate transition between the constructed frontage improvements and the existing roadway. Additional right-of-way may be required for this transition (See Transportation Finding 3).
- A-7** The proposed development shall not access NE 27th Avenue to the south of the site. A barricade will be required at the end of the southerly frontage improvements (See Transportation Finding 4).
- A-8** Proposed intersections and driveways shall be constructed accordance with the sight distance requirements of CCC 12.05A.250 (See Transportation Finding 5).
- A-9** In accordance with the requirements of CCC 13.29.310.D, the final construction plans and stormwater report shall quantify the flows entering site from offsite areas, and demonstrate that they are adequately collected and conveyed through the site and detention facility (See Stormwater Finding 3).
- A-10** In accordance with the isopluvial maps for design storms in Clark County, the minimum 24-hour rainfall data for 2-year, 10-year and 100-year storm events used in the stormwater calculations shall be 2, 3, and 4 inches respectively (See Stormwater Finding 3).
- A-11** The final stormwater report shall be revised to reflect the forested condition of the majority of the site within the last thirty years (See Stormwater Finding 3).
- A-12** All lots shall be designed to provide positive drainage from the bottom of footings to an approved stormwater system. The final construction plans and stormwater report shall clearly describe the measures that are proposed to prevent runoff onto adjacent properties (See Stormwater Finding 3).

- A-13** Stormwater detention facilities shall comply with the requirements of CCC 13.29.310. The final stormwater calculations shall clearly demonstrate that provisions have been made in the design to accommodate the impact of offsite flows. If stormwater facilities larger than those illustrated on the preliminary plans are required, the plat shall be revised to accommodate the larger facilities. The enlargement of the stormwater facilities could potentially result in the loss of lots (See Stormwater Finding 3).
- A-14** The final stormwater report shall include a downstream analysis in accordance with the provisions of CCC 13.29.305.B, and CCC 13.29.310.D, and shall demonstrate that the quantity of flow being discharged to this system after development will not exceed predevelopment flows (See Stormwater Finding 3).
- A-15** The applicant shall install a system of subsurface drainage lines, or provide other design measures, in accordance with the recommendations of a geotechnical engineer licensed in the State of Washington to control and direct the flow of subsurface water through the site (See Earthwork Finding 1).
- A-16** Install water mains that supply the required fire flow and fire hydrants (See Fire Protection Finding 2).
- A-17** Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (See Fire Protection Finding 3).
- A-18** Unless waived by the fire district chief, fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection (See Protection Finding 4).
- A-19** Contact fire district 6 at (360) 576-1195 to arrange for fire hydrant location approval (See Fire Protection Finding 5).
- A-20** Provide and maintain a six-foot clear space completely around every fire hydrant (See Fire Protection Finding 6).
- A-21** Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (See Fire Protection Finding 7).
- A-22** The applicant shall show the locations of driveways serving all corner residential lots on the construction plans (See Transportation Finding 4).

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional

specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Fire Protection Finding 1).

B-2 Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- Traffic Impact Fees: \$2,391.54 (Mt. Vista District)
- Park Impact Fees: \$1,534.00 (\$1,094.00 – Acquisition; \$440.00 – Development for Park District 10)
- School Impact Fees: \$3,701.00 (Ridgefield School District)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate.

C. Conditions that must be met prior to issuance of Occupancy Permits

C-1 The applicant shall effect and pay for all improvements required by Clark Public Utilities and connect each new lot to public water (See Water & Sewer Service Finding 1).

C-2 The applicant shall effect and pay for all improvements required by Hazel Dell Sewer District and connect each new lot to public sewer (See Water & Sewer Service Finding 1).

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-3 Impact Fees:

"In accordance with CCC 18.65, except for 1 lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$3,701.00 (Ridgefield School District), \$1,534.00 (\$1,094.00 - Acquisition; \$440.00 - Development for Park District 10), and \$2,391.54 (Mt. Vista District) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-4 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all lots as noted."

D-5 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-6 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-7 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-8 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 12.05A."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

E-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

E-2 Final Construction Plan Review:

Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 13.29.

E-3 Final Construction Plan Review:

Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 12.05A.

E-4 Water Wells and Septic Systems:

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final

Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

E-5 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-6 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.29.

E-7 Erosion Control:

A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

E-8 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-9 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-10 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

E-11 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-12 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

E-13 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 18.600.100 (D)(2).
5. A check in the amount of **\$263** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>